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MONTANA SAFETY CULTURE ACT

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The Safety Culture Act enacted by the 1993 Montana state legislature encourages workers and employers to come together to create and implement a workplace safety philosophy. It is the intent of the act to raise workplace safety to a preeminent position in the minds of all Montana's workers and employers. Therefore, it is the responsibility and duty of employers to participate in the development and implementation of safety programs that will meet the specific needs of their work-place; thereby establishing a safety culture that will help create a safe work environment for all future generations of Montanans.

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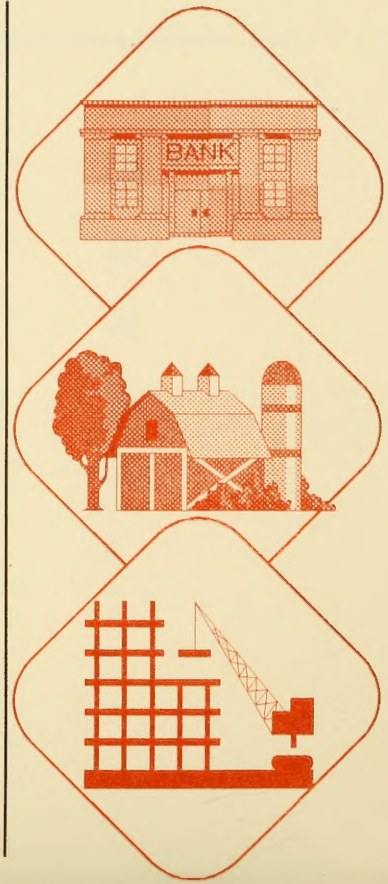
INTRODUCTION

Listed in this brochure are the six requirements all employers must meet, and the additional three requirements employers with more than five employees must meet, to comply with the Montana Safety Culture Act (MSCA). The requirements are numbered and in **bold print**. Following the **requirements** are *recommendations* from the Department of Labor and Industry offered as guidelines for implementation of the MSCA.

Recognizing the diversity of Montana's economy, the MSCA intends to allow some flexibility of interpretation and application so you and your workers' compensation insurer can establish a safety program appropriate to your business and employee's needs and circumstances. You are encouraged to contact your insurer for assistance in establishing your safety program.

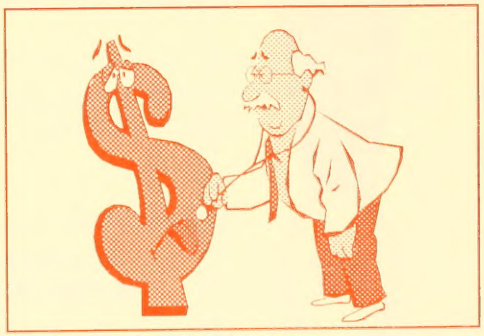


WHY HAVE A SAFETY PROGRAM

Running a business involves taking risks. You take chances to remain competitive. But some risks are not worth the gamble. One such risk relates to the safety and health of your employees. Exposing those who work for you to hazards is a high stakes game with real loses. You invest money to protect the safety of your business, for example, fire suppression systems, burglar alarms, etc.; why not invest at least equal or more time, money and devotion to your employees.

ACCIDENTS COST MONEY. The magnitude of the actual cost of a workplace accident or injury is gaining the attention of businesses, corporations, safety professionals, and the state. For each dollar you spend on the direct costs of a worker's injury, you will spend an equal or greater amount to cover the indirect costs. Examples of some indirect costs:

* lost productive time
* time and cost to investigate the accident
* medical treatment
* hiring and training replacements
* legal costs
* replacement/repair of equipment
* loss of company image
* increased workers' compensation rates
* loss of good, reliable employees
* loss of productive attitude, morale
* increased absenteeism



GAIN CONTROL OF YOUR LOSES. You can reduce the costs associated with workplace injuries and illnesses by implementing an effective safety program. When you make safety a priority and actively promote safety to your employees, you can change your employee's behavior toward safety and reduce the number of workplace accidents.

REQUIREMENTS AND RECOMMENDATIONS

EVERY EMPLOYER SHALL ESTABLISH, IMPLEMENT AND MAINTAIN AN EDUCATIONAL BASED TRAINING PROGRAM WHICH SHALL, AT A MINIMUM:

1. **Provide each new employee with a general safety orientation containing information common to all employees and appropriate to the business operations, before they begin their regular job duties.**

RECOMMENDATIONS: The orientation should contain both oral and written instruction and include, but not be limited to, information on:

- accident & hazard reporting procedures
- emergency procedures
- fire safety
- first aid
- personal protective equipment
- work site hazards

SAFETY

2. Provide job or task-specific safety training appropriate for employees before they perform that job or task without direct supervision..

RECOMMENDATIONS: The training should:

- Include specific safety rules, procedures and hazards
- Identify the employer's and employee's responsibilities regarding safety in the workplace
- Be conducted by personnel knowledgeable of the task being trained
- Be conducted when program is established, when employees job assignments change, when new substances are introduced to the workplace, and when a new hazard is identified

3. Offer continuing regular refresher safety training.

RECOMMENDATIONS: The training should:

- Be held as is appropriate, but at least annually
- Contain material to maintain and expand knowledge and awareness of safety issues in the workplace

4. **Provide a system for the employer and their employees to develop an awareness and appreciation of safety through tools such as newsletters, periodic safety meetings, posters, and safety incentive programs.**

5. **Provide periodic self-inspection for hazard assessment when the safety program is implemented, new worksites are established, and thereafter as is appropriate to the business operations, but at least annually, which:**

- **Identifies hazards and unsafe work practices or conditions;**
- **Identifies corrective actions needed; and**
- **Documents corrective action taken.**

6. **Include documentation of performance of activities listed in (1) through (5) above. This documentation must be kept by the employer for three years.**

RECOMMENDATIONS: Documentation should include:

- Date, time, location and description of training, inspections, and corrective actions
- List of participants, i.e. inspectors, trainers, participants

ADDITIONAL REQUIREMENTS OF EMPLOYERS WITH MORE THAN FIVE EMPLOYEES

Employers with more than five employees must meet all the **requirements** listed on the previous pages as well as the **additional requirements** listed below. In making the determination of employment levels, the employer shall count all regular, temporary, leased and seasonal workers under the employer's direction and control. The following **requirements** apply when there are more than five employees, and continues in effect until the number of employees is less than six for three consecutive months.

ALL EMPLOYERS HAVING MORE THAN FIVE EMPLOYEES ARE TO HAVE A COMPREHENSIVE AND EFFECTIVE SAFETY PROGRAM WHICH MUST INCLUDE THE FOLLOWING:

1. Policies and procedures that assign specific safety responsibilities and safety performance accountability.

RECOMMENDATIONS: The policies and procedures should:

- Include a statement of top management commitment to the safety program
- Encourage and motivate employee involvement in the program
- Define safety responsibilities for managers, safety personnel, supervisors and employees
- Be reflected in job descriptions and performance evaluations
- Be communicated and accessible to all employees

2. Procedures for reporting, investigating, and taking corrective action on all work-related incidents, accidents, injuries, illnesses and known unsafe work conditions or practices.

RECOMMENDATIONS: Procedures should be nonpunitive and include, but need not be limited to:

- Provisions for timely and effective reporting
- Recommendations and follow-up corrective action
- Documentation
- Signature requirements for reports, investigations and corrective actions
- Periodic evaluation of the procedure's effectiveness

3. Shall have a safety committee in place which complies with the requirements listed in this brochure under the title Safety Committee Requirements.

SAFETY COMMITTEE REQUIREMENTS

It is the intent of the department that employer and employees meet together for the purpose of creating a safety culture in Montana workplaces and reducing on-the-job injuries and illnesses, in the hope that by improving occupational safety, workers compensation insurance rates for all industries in Montana will be limited. Therefore, all employers with more than five employees are required to have a safety committee. The requirements, numbered and in **bold print**, are followed by department *recommendations*.

EVERY SAFETY COMMITTEE SHALL:

1. **Be composed of employee and employer representatives and hold regularly scheduled meetings, at least once every four months.**

RECOMMENDATIONS: The safety committee should:

- Be of sufficient size and number to provide for effective representation of the workforce
- Have more than one safety committee for employers with multiple sites

2. **Include in its employee membership volunteers or members elected by their peers.**

3. Include safety committee activities that assist the employer in fact finding.

RECOMMENDATIONS: The department recommends that the committee document its activities and act as a fact finding body and report to the employer regarding:

- Assessing and controlling hazards
- Assessing safety training and awareness topics
- Communicating with employees regarding safety committee activities
- Developing safety rules, policies and procedures
- Educating employees on safety related topics
- Evaluating the safety program on a regular basis
- Inspecting the workplace
- Keeping job specific training current
- Motivating employees to create a safety culture in the workplace
- Reviewing incidents of workplace accidents, injuries and illnesses

SAFETY MEETING TOPIC IDEAS

Having a set objective for each meeting can assist in making your safety committee more successful. Highlighting a specific topic throughout the company can also increase the safety awareness of everyone. When setting a meeting objective, consider the following subjects.

^ Accident and Hazard Reporting
^ Carbon Dioxide
^ Carbon Monoxide
^ Confined Spaces
^ Dermatitis
^ Defensive Driving
^ Emergency Procedures
^ Ergonomics

^ Fire Hazards and Fire Safety
^ First Aid
^ Floors, Aisles, Storage of Materials
^ Handling Materials
^ Hazardous Materials
^ Horseplay
^ Industrial Vehicles
^ Ladders, Stairs, Ramps

^ Lighting and Ventilation
^ Lockout/Tagout
^ Machine Care, Maintenance, Guarding
^ Machine Hazards
^ Occupational Diseases and Sanitation
^ Personal Protective Equipment
^ Poisons
^ Unsafe Work Practices

SAFETY COMMITTEE WAIVER

You may qualify to waive the **requirement** of the safety committee. A waiver may be granted if you have evidence of the following:

a) a written safety plan that complies with the provisions of the MSCA;
b) documentary evidence of employee participation in the safety program; **AND**
c1) a 3 year average lost workday incidence rate that is not greater than 55% of the current average incidence rate for Montana entities with the same 2-digit SIC code; **OR**
c2) a satisfactory experience modification factor, not greater than .87, (if the employer has an experience modification factor established).

For the purpose of determining when a waiver is appropriate, the department annually establishes the average lost workday incidence rate for occupational injuries and illnesses for Montana entities. The average incidence rate is applicable to entities within the same 2-digit Standard Industrial Classification (SIC) Code. The average incidence rate is based upon Montana data. If sufficient Montana data is lacking for a given 2-digit SIC code, national data will be used. To obtain a copy of this list, you can write to the Department's Safety Bureau, PO Box 1728, Helena, MT 59624 or call the Safety Bureau at (406)444-6401.

For more information or to obtain a waiver application, you can contact your workers' compensation insurer or the department's Safety Bureau.

COMPLIANCE

Workers' Compensation insurers and the State Fund will assist the employers they insure in establishing safety programs that meet the **requirements** of the law. Your workers' compensation insurance contract or agreement will require the implementation of a safety program. If you fail to comply and refuse to participate in or follow through on *recommendations* resulting from safety consultation services offered by your workers' compensation insurer, you could see your workers' compensation premium increase. Contact your insurer for specific information about the consequences for non-compliance.

An effective safety program is your key to:

Lowering Costs!

Improving Productivity!

Improving Employees' Morale!

QUESTIONS & ANSWERS

Do I need to have a safety program if I only hire one person for 1 or 2 months out of the year?

Yes. All employers are required to have an educational based training program that includes the required elements.

When I hire a new employee, do I need to conduct the general safety orientation the first day of employment?

You should complete the general safety orientation the first day an employee reports to work. This orientation should cover the basic information such as the location of first aid kits, fire extinguishers, exits, and possible hazards. Task-specific safety training should be given within a reasonable time, not more than 30 days from the date of employment.

As a primary contractor, should my safety program cover subcontractors?

Your safety program would not need to include provisions for subcontractors because they are not your employees. However, we encourage you to consider their needs in safety training and safety meetings as they can be an integral part of the workforce and their actions can influence your employees. Also keep in mind that if the subcontractor is an employer, they would be required to have their own safety program.

Would documentation requirements be met by keeping a federal form on file?

Yes. It is intended that you and your insurer have flexibility in developing a safety program that meets the needs of your business. Avoiding duplication is encouraged.

What record keeping is required?

Records of training new employees, safety meetings, and suggestions for improving safety in your workplace should be kept, but these records do not have to be sent to any state agencies.

Who enforces the Montana Safety Culture Act?

The purpose of the legislation is to actively promote safety in every workplace to reduce the number of occupational injuries and illnesses. It is intended that voluntary safety compliance, with the suggestions of your insurer, can best achieve this goal. If you are insured by the State Fund, they have the authority to raise your premiums if you fail to implement a safety program

We have an early return-to-work program in place. Would the Safety Committee decide if someone should return to work or not?

The Safety Committee is a fact finding body that reports to the employer on safety issues. The Committee would not make personnel decisions or make recommendations to the employer.

I have 50 employees. How big should my safety committee be?

The safety committee should provide effective representation of the employer's and employee's interest. Your workers' compensation insurer can help you decide what size your committee should be.

SAFETY PROGRAM CHECKLIST

YES	TARGET DATE	REQUIREMENTS
_____	_____	General safety orientation for new employees that contains information common to all employees and appropriate to the business operations, and is provided prior to the start of regular job duties.
_____	_____	Job or task-specific training appropriate for employees before they perform that job or task without direct supervision
_____	_____	Continuing regular refresher training.
_____	_____	System for employer and employees to develop an awareness and appreciation of safety through tools such as newsletters, periodic safety meetings, posters, and safety incentive programs.
_____	_____	Periodic self-inspection for hazard assessment when safety program is implemented, new worksites are established and thereafter as is appropriate to the business operations, but at least annually.
_____	_____	Documentation of performance of activities listed in the above requirements which includes: (1) date, time, location and description of training, inspections and corrective actions; (2) list of participants; and (3) retained for three years.

ADDITIONAL REQUIREMENTS FOR EMPLOYERS WITH MORE THAN FIVE EMPLOYEES

_____ _____ Policies and procedures that assign specific safety responsibility and safety performance accountability.

_____ _____ Procedures for reporting, investigating, and taking corrective action on all work-related incidents, accidents, injuries, illnesses, and known unsafe work conditions or practices.

_____ _____ Safety committee established which fills the following requirements:
(1) composed of employees and employers, meet at least once every 4 months;
(2) employee members are either elected or volunteers; and
(3) committee activities assist in fact finding.

ASSISTANCE AVAILABLE

Safety Consultation Services. The Montana Safety Culture Act requires insurers to provide assistance in identifying, evaluating, and controlling existing and potential accidental and occupational health problems.

Safety and Health On-Site Consultation Program. This confidential program is available to private employers at no charge. For more information, contact the Safety Bureau, Department of Labor and Industry, PO Box 1728, Helena, MT 59624 or call (406)444-6401.

Equipment Manufacturers. Most manufacturers provide manuals and training on how to safely operate their equipment.

Similar businesses, trade associations, and employer groups. With the growing emphasis on safety in the workplace, many associations are coordinating efforts on safety issues to better serve their members. Employers can work together to better protect their employees by sharing information, training materials, and hosting joint training programs.

Labor organizations. Many labor organizations have safety and health expertise and are willing to work jointly with employers to address safety concerns.

Safety specialty organizations. The National Safety Council is one of the many organizations that has an array of safety information available. Many vendors of video tape based safety training rent or sell programs to interested customers. The Yellow Pages provides a list of companies that specialize in safety items and services.

SAFETY INFORMATION DIRECTORY

MSHA

Federal Office Building
Drawer 10042
301 S. Park Avenue
Helena, MT 59601
(406)441-1180

OSHA

2900 4th Ave. N., Suite A301
Billings, MT 59101
(406)247-7494
(800)488-7087

Safety Bureau (Main Office)

Department of Labor & Industry
1625 11th Ave.
PO Box 1728
Helena, MT 59624
(406)444-6401

State Fund

5 Last Chance Gulch
PO Box 4759
Helena, MT 59604-4759
(406)444-6440

Other Safety Bureau Offices:

Great Falls	300 Central Ave., #330	Phone:	453-3748
Butte	305 W. Mercury		782-1153
Missoula	2681 Palmer, Suit J		329-1304
Billings	624 N. 24th		247-1035

NOTES

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